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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,806	04/08/2000	Wen-Syan Li	073303.0105	2221

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David A Blumenthal  
Foley & Lardner  
2029 Century Park East  
Suite 3500  
Los Angeles, CA 90067-3021

EXAMINER
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NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/545,806

Applicant(s)

LI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-7 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

Art Unit: 2141

***Detail Action***

1. This Office Action is in response to the Amendment and Reply Under 37 CFR 1.111 filed on 12/08/2003. The finality of the previous Office Action dated on 10/07/2003 is vacated. Claims 1, 8-11, 16 and 23-26 are cancelled. Claims 12-15 and 27-31 are withdrawn. Claims 2-7 and 17-22 remain for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 2-7 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanemitsu (US 6,499,051).**

4. As to claims 2 and 4, Kanemitsu teaches an information transmission method and system comprising:

a server (a server or an information providing center 1) configured for communicating with requestors (clients or information communication systems 2) over at least one communication network (Kanemitsu, Fig. 2, C3: L47-67, C4: L1-14 and C8: L23-27);

Art Unit: 2141

wherein if a first request from a first requestor for a plurality of objects (when a search request from the client or the information communication system 2) is received, the server is programmed for scheduling delivery of the plurality of objects in ascending order of object size (Kanemitsu teaches the requested data is retrieved, temporarily stored, arranged and transmitted in an ascending order of data amount, i.e., the data with the smallest amount is given the first priority for transmittance as a response) (Kanemitsu, C4: L58-67 and C5: L1-19).

Kanemitsu does not explicitly teach if a second request from a second requestor for one or more objects is received prior to or during the delivery of one or more objects from the first request, the server is programmed for scheduling the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size.

However, Kanemitsu does teach regardless of the order of the search requests, which could come from other vehicles or clients, (i.e., second requests received prior to or during the processing of the first request) or the order of search results obtained by searching databases (i.e., the order of readout/retrieval of requested data or search results), all retrieved data (i.e., could be read/understood as any whole or partial undelivered objects) is temporarily stored, arranged so that data with the smallest amount is first transmitted, i.e., the data is transmitted in ascending order of object size, not in the order of readout/retrieval, or temporary storage for transmittance. (Kanemitsu, C4: L58-67, C5: L1-19, C6: L28-49 and C8: L23-27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Kanemitsu to include a second request from a second requestor (i.e., from second clients or vehicles) for one or more objects is received prior to or during the delivery of one or more objects from the first request and to schedule the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. ***In re St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.**

5. As to claims 3 and 5, Kanemitsu teaches the system as in claims 2 and 4, but does not explicitly teach assigning a priority value to the suspended object computed as a waiting time of the object divided by the size of the object and scheduling the delivery of suspended objects in descending order of priority value.

However, Kanemitsu does teach regardless of the order of the search requests (i.e., second requests received prior or during the processing of the first request) or the order of search results (i.e., the order of readout/retrieval of requested data), all retrieved data is temporarily stored, arranged so that data with the smallest amount is first transmitted (i.e., hence, the data with the smallest amount is the one with the highest assigned priority value) because it would result in the least transmitted time for the server and/or the least waiting time for the user (i.e., suspended objects, new objects would be temporarily stored, arranged and delivered by the assigned priority in descending order of priority value) (Kanemitsu, C4: L58-67, C5: L1-19 and C6: L28-49).

Therefore, because these two “scheduling the delivery of suspended objects is descending order of priority value” and “scheduling the delivery of suspended objects is ascending order of object size” were art-recognized equivalents at the time the invention was made (in this case to deliver the objects according to the order of the smallest amount of data), and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

6. As to claim 6, Kanemitsu teaches an information transmission method and system comprising:

a user (information communication system 2) configured for communicating with a server (information providing center 1) over at least one communication network (Kanemitsu, Fig. 2, C3: L47-67, C4: L1-14 and C8: L23-27);

wherein if the user receives a plurality of objects for delivery to a Web browser, the user is programmed for scheduling the delivery of any whole or partial undelivered objects in ascending order of object size (Kanemitsu teaches regardless of the order of search results obtained by searching databases (i.e., the order of readout/retrieval of requested data or search results), all retrieved data (i.e., could be read/understood as any whole or partial undelivered objects) is temporarily stored, arranged so that data with the smallest amount is first transmitted, i.e., the data is transmitted in ascending order of object size, not in the order of readout/retrieval, or temporary storage for transmittance. (Kanemitsu, C4: L58-67, C5: L1-19, C6: L28-49 and C8: L23-27).

Art Unit: 2141

7. Claim 7 is a corresponding claim of claim 5; therefore, it is rejected under the same rationale.

8. Claims 17-22 are corresponding method claims of claims 2-7; therefore, they are rejected under the same rationale.

9. Applicant's arguments as well as request for reconsideration filed on 12/08/2003 have been fully considered but they are moot in view of the new ground(s) of rejection.

10. The Information Disclosure Statement filed on 11/20/2000 was considered on 04/10/2003 and returned with the Office Action mailed on 04/28/2003. However, as requested by the applicant, another copy of the IDS is attached again with this Office Action.

Art Unit: 2141

11. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**

A handwritten signature in black ink, appearing to read 'Rupal Dharia', is written over the printed name and title.